

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

VICKI J. SWANSON
on behalf of J.M.C.S., a minor child

VS.

CASE NUMBER: 5:06-CV-97 (FJSGJD)

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY

Decision by Court. This action came to hearing before the Court.
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge Gustave J. DiBianco and the Objections filed in this action have been considered and the Court rules that the Commissioner's decision is VACATED and the Complaint is REMANDED to the Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. § 405(g), for a hearing to reconsider Plaintiff's disability claim.

All of the above pursuant to the order of the Honorable Judge Frederick J. Scullin, Jr., dated the 13th day of May, 2009.

DATED: May 14, 2009


Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk